

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

INFOGATION CORPORATION,

Plaintiff,

V.

TOYOTA MOTOR CORPORATION,
TOYOTA MOTOR NORTH AMERICA,
INC., TOYOTA MOTOR ENGINEERING &
MANUFACTURING NORTH AMERICA,
INC., TOYOTA MOTOR SALES, U.S.A.,
INC.,

Defendants.

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CIVIL ACTION NO. 2:23-CV-359-JRG

ORDER


Before the Court is the Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim (the “Motion to Dismiss”) filed by Defendants Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Engineering & Manufacturing North America, Inc., and Toyota Motor Sales, U.S.A., Inc. (collectively “Toyota” or “Defendants”). (Dkt. No. 12). In the Motion to Dismiss, Defendants request that the Court dismiss Counts II and III of Plaintiff’s Complaint (Dkt. No. 1) under Federal Rule of Civil Procedure 12(b)(6) for failing to satisfy the requirements of Rule 8(a)(2). (Dkt. No. 12 at 1). Subsequently to the filing of Defendants’ Motion to Dismiss, Plaintiff Infogation Corporation (“Plaintiff”) filed its Response to Defendant’s Motion to Dismiss and Request for Voluntary Dismissal of Counts II and III Without Prejudice (the “Request for Dismissal”). In the Request for Dismissal, Plaintiff states that “[i]n light of Defendant’s Motion and absence of counterclaim, and in the interest of streamlining the litigation as it currently stands, Plaintiff respectfully requests that the Court voluntarily dismiss Counts II and III, and keep active

Counts I and IV, of the Complaint without prejudice.” (Dkt. No. 27 at 2). In reply, Defendants indicate that they do not oppose Plaintiff’s request to voluntarily dismiss Counts II and III of the Complaint. (Dkt. No. 29).

Having considered the Request for Dismissal, the Court **ACCEPTS AND ACKNOWLEDGES** that Counts II and III of Plaintiff’s Complaint (Dkt. No. 1) in the above-captioned case are **DISMISSED WITHOUT PREJUDICE**. Accordingly, the Motion to Dismiss (Dkt. No. 12) is **DENIED AS MOOT**. The Clerk of Court is directed to **MAINTAIN AS OPEN** the above-captioned case as additional claims remain.

So Ordered this

Mar 28, 2024



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE